REMARKS

Claims 1-13 are pending in the application. Claims 1, 2, 4, and 6 are amended herein. No new material is added by the amendments herein. Claims 1-13 were rejected. No claims have been allowed.

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Specification

The "Related Applications" section of the application is amended herein to include Application Numbers for the referenced applications.

10   ### Claim Rejections under 35 USC §112, Second Paragraph

Claims 1, 2, 3, 4-10, 6, 11, 12, and 13 were rejected under 35 USC §112 as being indefinite. Applicants have amended claims 1, 2, 4, and 6 have been amended to overcome the rejection.

Regarding claims 11, 12, and 13, Applicants are not sure what the rejection refers

15   to. The fourth occurrence of "replacement content" in each of claims 11 and 13 were indicated to lack antecedent basis. However, Applicants' copy of the claims as filed (as well as the claims of the published application) shows the fourth occurrence of this term preceded by "the". The applicable paragraph of claim 11 reads "comparing the replacement content and portions of the original byte stream and identifying a second set

20   of content similarities resulting from the comparison". Similarly, the applicable paragraph of claim 13 reads "comparing the replacement content and portions of an original byte stream and identifying a second set of content similarities resulting from the comparison, wherein the original byte stream is a segment of the original version". Applicants respectfully request the Examiner to verify the rejection of claims 11, 12, and

25   13, or withdraw the rejection of claims 11,12, and 13.

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Claim Rejections under 35 USC §101

Claims 4-10 were rejected as being directed to non-statutory subject matter. Claim 4 has been amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

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Claim Rejections under 35 USC §102
Affidavit under 37 CFR § 1.132

Claims 1-13 were rejected under 35 USC § 102(e) as anticipated by U.S. Patent Publication 20030212712 to Gu, et al. (hereinafter the '712 publication). Applicants

10 submit herewith an Affidavit under 37 CFR § 1.132 showing that any invention disclosed but not claimed in the '712 publication is not an invention "by another". Applicants therefore respectfully submit that the rejection is overcome, and respectfully request withdrawal of the rejection.

Notwithstanding Applicants showing that any invention disclosed but not claimed

15 in the '712 publication is not an invention "by another", Applicants take this opportunity to further submit that the present claims are patentable over the '712 publication.

With reference to claim 1, Applicants respectfully submit that the '712 publication fails to disclose at least an apparatus comprising an optimizing system that generates a difference file between an original byte stream and a new byte stream by

20 encoding information of the content similarities to the difference file, as claimed. The office action indicates paragraph 0032 of the reference which is reproduced below.

> FIG. 2 is a flow diagram for generation of a delta file, under an embodiment. Operation begins when a new file and an original file are received in a first processing system 202. Pre-processing operations are
25 performed between the new file and the original file in order to identify common segments and simple patterns among contents of the two files 204. The pre-processing algorithm uses identified common segments and patterns to reduce the sizes of the new and original files. Thus, this pre-processing eliminates the need to perform difference calculations on
30 common segments of the files, thereby increasing the efficiency of the difference calculation.

The cited passage refers to pre-processing and does not disclose encoding information of the content similarities to the difference file, as claimed. Therefore,

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Applicants respectfully submit that the invention of claim 1 is not anticipated by the "712 publication.

With reference to claim 2, Applicants respectfully submit that the '712 publication fails to disclose at least a means for generating the difference file by encoding

5 information of the first set and second set of content similarities, as claimed. The office action indicates paragraph 0040 of the reference which is reproduced below.

> In response to the operations above on the original and new byte streams to determine insertion and deletion content, the pre-processing algorithm returns additional information regarding the differences 310.
> 10 This information includes, but is not limited to, information as to where the differences start in the two byte streams, and the sizes of the two sub-streams of the original byte streams without the longest common prefix and the longest common suffix.

15 The cited passage refers to pre-processing and does not disclose generating the difference file by encoding information of the first set and second set of content similarities, as claimed. Therefore, Applicants respectfully submit that the invention of claim 2 is not anticipated by the "712 publication.

Claim 3 depends from claim 2 and includes further limitations thereon.

20 Therefore, Applicants respectfully submit that claim 3 is allowable for the same reasons given with reference to claim 2.

With reference to claim 4, Applicants respectfully submit that the '712 publication fails to disclose at least generating the difference file by encoding information of the first set and second set of content similarities, as claimed. The office action

25 indicates paragraph 0039 of the reference which is reproduced below.

> As for concatenations, the special cases of insertion and deletion, the pre-processing algorithm of an embodiment begins by using the identified longest common prefix and suffix of the original and new byte streams. With reference to FIG. 8, if the original byte stream 802 is the
> 30 concatenation of the longest common prefix 806 and the longest common suffix 808, then there is an insertion 810 in the new byte stream 804 between the prefix 806 and suffix 808. The meta-data and content of this identified insertion are both written to a file. With reference to FIG. 9, if the new byte stream 904 is the concatenation of the longest common
> 35 prefix 906 and the longest common suffix 908, then there is only a deletion 910 in the original byte stream 902 between the prefix 906 and suffix 908, and the deletion meta-data is written to a data file.

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The cited passage refers to writing information, including meta-data, to a data file and does not disclose generating the difference file by encoding information of the first set and second set of content similarities, as claimed. Therefore, Applicants respectfully

5   submit that the invention of claim 4 is not anticipated by the "712 publication.

Claims 5-10 depend from claim 4 and includes further limitations thereon. Therefore, Applicants respectfully submit that claims 5-10 are allowable for the same reasons given with reference to claim 4.

With reference to claim 11, Applicants respectfully submit that the '712

10   publication fails to disclose at least generating a difference file including encoded information of the first set and second set of content similarities, as claimed. The office action indicates paragraph 0039 of the reference which is reproduced below.

As for concatenations, the special cases of insertion and deletion, the pre-processing algorithm of an embodiment begins by using the
15   identified longest common prefix and suffix of the original and new byte streams. With reference to FIG. 8, if the original byte stream 802 is the concatenation of the longest common prefix 806 and the longest common suffix 808, then there is an insertion 810 in the new byte stream 804 between the prefix 806 and suffix 808. The meta-data and content of this
20   identified insertion are both written to a file. With reference to FIG. 9, if the new byte stream 904 is the concatenation of the longest common prefix 906 and the longest common suffix 908, then there is only a deletion 910 in the original byte stream 902 between the prefix 906 and suffix 908, and the deletion meta-data is written to a data file.
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The cited passage refers to writing information, including meta-data, to a data file and does not disclose generating a difference file including encoded information of the first set and second set of content similarities, as claimed. Therefore, Applicants respectfully submit that the invention of claim 11 is not anticipated by the "712

30   publication.

Claim 12 depends from claim 11 and includes further limitations thereon. Therefore, Applicants respectfully submit that claim 12 is allowable for the same reasons given with reference to claim 11.

With reference to claim 13, Applicants respectfully submit that the '712

35   publication fails to disclose at least generating the difference file by encoding information

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of the first set and second set of content similarities, as claimed. The office action indicates paragraph 0039 of the reference which is reproduced below.

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> As for concatenations, the special cases of insertion and deletion, the pre-processing algorithm of an embodiment begins by using the identified longest common prefix and suffix of the original and new byte streams. With reference to FIG. 8, if the original byte stream 802 is the concatenation of the longest common prefix 806 and the longest common suffix 808, then there is an insertion 810 in the new byte stream 804 between the prefix 806 and suffix 808. The meta-data and content of this identified insertion are both written to a file. With reference to FIG. 9, if the new byte stream 904 is the concatenation of the longest common prefix 906 and the longest common suffix 908, then there is only a deletion 910 in the original byte stream 902 between the prefix 906 and suffix 908, and the deletion meta-data is written to a data file.

The cited passage refers to writing information, including meta-data, to a data file and does not disclose generating the difference file by encoding information of the first set and second set of content similarities, as claimed. Therefore, Applicants respectfully submit that the invention of claim 13 is not anticipated by the "712 publication.
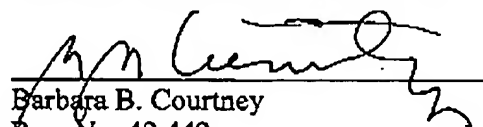
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Conclusion

In view of the foregoing amendments and remarks, and the Affidavit submitted herewith. Applicants respectfully submit that claims 1-13 as amended herein are in condition for allowance. Thus, allowance of the claims is requested. If in the opinion of
25 Examiner Harper a telephone conference would expedite the prosecution of the subject application, or if there are any issues that remain to be resolved prior to allowance of the claims, Examiner Harper is encouraged to call Barbara Courtney at (408) 342-1902.

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Respectfully submitted,
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